IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1239 OF 2005
IN
SUIT NO.2115 OF 2005

Mercy Quodroz and others Plaintiffs

versus

Zubeda Hussein Khan & ors. Defendants

Mr.Dave i/by N.N.Vaishnava for plaintiffs.

Mr.R.M.Wahoo for defendants.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 17th April 2006

PC :

1. Shri R.M.Wanoo has tendered an affidavit of one Shri Ashish Joshi who is present in the Court. He is partner of the respondent and in the affidavit it has been categorically stated that the respondent is not concerned with the suit premises, the suit premises having been taken by respondent neither on leave and licence or on any other basis. Similarly, it is pointed out that the respondent is not in possession of the suit premises.

2. It is some business arrangement between the respondent and defendant of an agency and that is how the name appears on the board which is to be put on the suit premises. In the light of this clarification as also in the light of statement contained in paragraph no.5 of this affidavit, there is no necessity of allowing the respondent to be impleaded or any amendment being carried out in that behalf to the plaint.

3. Hence the Chamber Summons to the extent it seeks impleadment of the respondent as party defendant, does not survive in the light of this affidavit and more particularly contents of paragraphs 3 and 5 thereof.

4. Chamber Summons is allowed by consent insofar as other amendments to be incorporated in the plaint and set out in Schedules II, III and IV of the Chamber Summons.

5. Liberty to take out appropriate proceedings after the amendments are carried out and all contentions with regard to prayer clauses (b) and (c) are kept open. Amendments to be carried out within a period of two weeks. Upon amended

plaint being served, it will be open for the defendant no.2 to file additional written statement. Same shall be filed within a period of six weeks from the date of receipt of amended plaint.

(S.C.DHARMADHIKARI, J.)